



ACTION PACKET

Fiscal Council

Joe Negron, Chair
Fred Brummer, Vice Chair

Tuesday, April 4, 2006
3:15 p.m. – 4:00 p.m.
212 Knott

COUNCIL MEETING REPORT

Fiscal Council

4/4/2006 3:15:00PM

Location: 212 Knott Building

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Joe Negron (Chair)	X		
Loranne Ausley	X		
Gustavo Barreiro	X		
Aaron Bean	X		
Anna Benson	X		
Kim Berfield	X		
Donald Brown	X		
Frederick Brummer	X		
Don Davis	X		
Nancy Detert	X		
Ron Greenstein	X		
Wilbert Holloway	X		
Jeffrey Kottkamp	X		
Stan Mayfield	X		
Sheri McInvale	X		
Joe Pickens	X		
Juan-Carlos Planas	X		
Curtis Richardson	X		
Marco Rubio	X		
John Seller	X		
David Simmons	X		
Leslie Waters	X		
Juan Zapata	X		
Totals:	23	0	0

Committee meeting was reported out: Tuesday, April 04, 2006 6:51:51PM

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COUNCIL MEETING REPORT

Fiscal Council

4/4/2006 3:15:00PM

Location: 212 Knott Building

HB 25 : Violent Felony Offenders

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson	X				
Marco Rubio	X				
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 23		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 04, 2006 6:51:51PM

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COUNCIL MEETING REPORT

Fiscal Council

4/4/2006 3:15:00PM

Location: 212 Knott Building

HB 323 CS : Reemployment After Retirement

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown		X			
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens			X		
Juan-Carlos Planas				X	
Curtis Richardson	X				
Marco Rubio	X				
John Seiler		X			
David Simmons	X				
Leslie Waters		X			
Juan Zapata		X			
Joe Negron (Chair)	X				
Total Yeas: 17		Total Nays: 4			

Appearances:

HB 323 CS

David Murrell (Lobbyist) - Proponent

PBA

300 E Brevard

Tallahassee FL 32301

Phone: 850-222-3329

HB 323 CS

Nolan McLeod - Proponent

Chief of Police

Live Oak Police Dept

Live Oak FL

Committee meeting was reported out: Tuesday, April 04, 2006 6:51:51PM

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Print Date: 4/4/2006 6:53 pm

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COUNCIL MEETING REPORT

Fiscal Council

4/4/2006 3:15:00PM

Location: 212 Knott Building

HB 323 CS

L.E. ED Hoffman (Lobbyist) - Proponent

FL PBA

342 Rosa CT

St Augustine FL 32086

Phone: 904-797-3037

HB 323 CS

Nelson Cuba - Proponent

President /Jax FOP

5530 Beach Blvd

Jacksonville FL 32207

Phone: 904-398-7010

Committee meeting was reported out: Tuesday, April 04, 2006 6:51:51PM

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Print Date: 4/4/2006 6:53 pm

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COUNCIL MEETING REPORT

Fiscal Council

4/4/2006 3:15:00PM

Location: 212 Knott Building

HB 561 CS : Offenses Involving Insurance

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson	X				
Marco Rubio	X				
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 23		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 04, 2006 6:51:51PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 561 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____



Council/Committee hearing bill: Fiscal Council
Representative Rivera offered the following:

Amendment (with directory and title amendments)

Between lines 183 and 184 insert:

(4) Whoever violates any provision of this subsection
commits insurance fraud, punishable as provided in paragraph
(f).

(a) It shall be unlawful for any employer to knowingly:

1. Present or cause to be presented any false, fraudulent,
or misleading oral or written statement to any person as
evidence of compliance with s. 440.38.

2. Make a deduction from the pay of any employee entitled
to the benefits of this chapter for the purpose of requiring the
employee to pay any portion of premium paid by the employer to a
carrier or to contribute to a benefit fund or department
maintained by such employer for the purpose of providing
compensation or medical services and supplies as required by
this chapter.

3. Fail to secure worker's ~~payment of~~ compensation
insurance coverage if required to do so by this chapter.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

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===== D I R E C T O R Y A M E N D M E N T =====

Remove lines 163 and 164 and insert:

Section 5. Paragraph (a) of subsection (2) and paragraph (a) of
subsection (4) of section 440.105, Florida Statutes, are amended
to read:

===== T I T L E A M E N D M E N T =====

Remove line 22 and insert:

order is a misdemeanor of the first degree; clarifying that the
failure to secure workers compensation insurance coverage is
prohibited; amending s.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 561 CS

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION — (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —



Council/Committee hearing bill: Fiscal Council
Representative Rivera offered the following:

Amendment (with title amendment)

Between lines 328 and 329 insert:

Section 13. Subsection (1) of section 627.7401, Florida
Statutes, is amended to read:

(1) The commission, by rule, shall adopt a form for the
notification of insureds of their right to receive personal
injury protection benefits under the Florida Motor Vehicle No-
Fault Law. Such notice shall include:

(a) A description of the benefits provided by personal
injury protection, including, but not limited to, the specific
types of services for which medical benefits are paid,
disability benefits, death benefits, significant exclusions from
and limitations on personal injury protection benefits, when
payments are due, how benefits are coordinated with other
insurance benefits that the insured may have, penalties and
interest that may be imposed on insurers for failure to make
timely payments of benefits, and rights of parties regarding
disputes as to benefits.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 (b) An advisory informing the insureds that:

23 1. Pursuant to s. 626.9892, the Department of
24 Financial Services may pay rewards of up to \$25,000 to
25 persons providing information leading to the arrest
26 and conviction of persons committing crimes
27 investigated by the Division of Insurance Fraud
28 arising from violations of s. 440.105, s. 624.15, s.
29 626.9541, s. 626.981, or s. 817.234.

30 2. Pursuant to s. 627.736(6)(e)(1), if the insured
31 notifies the insurer of a billing error, the insured
32 may be entitled to a certain percentage of a reduction
33 in the amount paid by the insured's motor vehicle
34 insurer.

35 (c) A notice that solicitation of a person injured in a
36 motor vehicle crash for purposes of filing personal injury
37 protection or tort claims could be a violation of s. 817.234, s
38 817.505, or the rules regulation the Florida Bar and should be
39 immediately reported to the Division of Insurance Fraud if such
40 conduct has taken place.

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42
43 ===== T I T L E A M E N D M E N T =====

44 Remove line 49 and insert:

45 627.7401, F.S.; requiring additional notification of insured's
46 rights; amending s. 817.234, F.S.; revising provisions
47 specifying material

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 561 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

W/D

Council/Committee hearing bill: Fiscal Council
Representative Bogdanoff offered the following:

Amendment (with title amendment)

between lines 215 and 216 insert:

Section 8. Section 624.155, Florida Statutes, is amended to
read:

624.155 Civil remedy.--

(1) Any person may bring a civil action against an insurer
when such person is damaged:

(a) By a violation of any of the following provisions by
the insurer:

1. Section 626.9541(1)(i), (o), or (x);

2. Section 626.9551;

3. Section 626.9705;

4. Section 626.9706;

5. Section 626.9707; or

6. Section 627.7283.

(b) By the commission of any of the following acts by the
insurer:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

21 1. Not attempting in good faith to settle claims when,
22 under all the circumstances, it could and should have done so,
23 had it acted fairly and honestly toward its insured and with due
24 regard for her or his interests;

25 2. Making claims payments to insureds or beneficiaries not
26 accompanied by a statement setting forth the coverage under
27 which payments are being made; or

28 3. Except as to liability coverages, failing to promptly
29 settle claims, when the obligation to settle a claim has become
30 reasonably clear, under one portion of the insurance policy
31 coverage in order to influence settlements under other portions
32 of the insurance policy coverage.

33
34 Notwithstanding the provisions of the above to the contrary, a
35 person pursuing a remedy under this section need not prove that
36 such act was committed or performed with such frequency as to
37 indicate a general business practice.

38 (2) Any party may bring a civil action against an
39 unauthorized insurer if such party is damaged by a violation of
40 s. 624.401 by the unauthorized insurer.

41 (3) (a) As a condition precedent to bringing an action
42 under this section, the department and the authorized insurer
43 must have been given 60 days' written notice of the violation.
44 If the department returns a notice for lack of specificity, the
45 60-day time period shall not begin until a proper notice is
46 filed.

47 (b) The notice shall be on a form provided by the
48 department and shall state with specificity the following
49 information, and such other information as the department may
50 require:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

51 1. The statutory provision, including the specific
52 language of the statute, which the authorized insurer allegedly
53 violated.

54 2. The facts and circumstances giving rise to the
55 violation.

56 3. The name of any individual involved in the violation.

57 4. Reference to specific policy language that is relevant
58 to the violation, if any. If the person bringing the civil
59 action is a third party claimant, she or he shall not be
60 required to reference the specific policy language if the
61 authorized insurer has not provided a copy of the policy to the
62 third party claimant pursuant to written request.

63 5. A statement that the notice is given in order to
64 perfect the right to pursue the civil remedy authorized by this
65 section.

66 (c) Within 20 days of receipt of the notice, the
67 department may return any notice that does not provide the
68 specific information required by this section, and the
69 department shall indicate the specific deficiencies contained in
70 the notice. A determination by the department to return a notice
71 for lack of specificity shall be exempt from the requirements of
72 chapter 120.

73 (d) No action shall lie if, within 60 days after filing
74 notice, the damages are paid or the circumstances giving rise to
75 the violation are corrected.

76 (e) The authorized insurer that is the recipient of a
77 notice filed pursuant to this section shall report to the
78 department on the disposition of the alleged violation.

79 (f) The applicable statute of limitations for an action
80 under this section shall be tolled for a period of 65 days by

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

81 the mailing of the notice required by this subsection or the
82 mailing of a subsequent notice required by this subsection.

83 (4) Upon adverse adjudication at trial or upon appeal, the
84 authorized insurer shall be liable for damages, together with
85 court costs and reasonable attorney's fees incurred by the
86 plaintiff.

87 (5) No punitive damages shall be awarded under this
88 section unless the acts giving rise to the violation occur with
89 such frequency as to indicate a general business practice and
90 these acts are:

91 (a) Willful, wanton, and malicious;

92 (b) In reckless disregard for the rights of any insured;

93 or

94 (c) In reckless disregard for the rights of a beneficiary
95 under a life insurance contract.

96
97 Any person who pursues a claim under this subsection shall post
98 in advance the costs of discovery. Such costs shall be awarded
99 to the authorized insurer if no punitive damages are awarded to
100 the plaintiff.

101 (6) This section shall not be construed to authorize a
102 class action suit against an authorized insurer or a civil
103 action against the commission, the office, or the department or
104 any of their employees, or to create a cause of action when an
105 authorized health insurer refuses to pay a claim for
106 reimbursement on the ground that the charge for a service was
107 unreasonably high or that the service provided was not medically
108 necessary.

109 (7) In the absence of expressed language to the contrary,
110 this section shall not be construed to authorize a civil action

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

111 or create a cause of action against an authorized insurer or its
112 employees who, in good faith, release information about an
113 insured or an insurance policy to a law enforcement agency in
114 furtherance of an investigation of a criminal or fraudulent act
115 relating to a motor vehicle theft or a motor vehicle insurance
116 claim.

117 (8) The civil remedy specified in this section does not
118 preempt any other remedy or cause of action provided for
119 pursuant to any other statute or pursuant to the common law of
120 this state. Any person may obtain a judgment under either the
121 common-law remedy of bad faith or this statutory remedy, but
122 shall not be entitled to a judgment under both remedies. This
123 section shall not be construed to create a common-law cause of
124 action. The damages recoverable pursuant to this section shall
125 include those damages which are a reasonably foreseeable result
126 of a specified violation of this section by the authorized
127 insurer and may include an award or judgment in an amount that
128 exceeds the policy limits.

129 ~~(9) A surety issuing a payment or performance bond on the~~
130 ~~construction or maintenance of a building or roadway project is~~
131 ~~not an insurer for purposes of subsection (1).~~

132 ===== T I T L E A M E N D M E N T =====

133 Remove line 31 and insert:

134 persons; amending s. 624.155, F.S.; repealing the provision that
135 a surety issuing a payment or performance bond on the
136 construction or maintenance of a building or roadway project is
137 not an insurer for purposes of bringing action against an
138 insurer; amending s. 626.112, F.S.; providing a criminal

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COUNCIL MEETING REPORT

Fiscal Council

4/4/2006 3:15:00PM

Location: 212 Knott Building

HB 581 : Public Benefits

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley		X			
Gustavo Barreiro	X				
Aaron Bean			X		
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein		X			
Wilbert Holloway		X			
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson		X			
Marco Rubio	X				
John Seiler		X			
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 17		Total Nays: 5			

Committee meeting was reported out: Tuesday, April 04, 2006 6:51:51PM

COUNCIL MEETING REPORT

Fiscal Council

4/4/2006 3:15:00PM

Location: 212 Knott Building

HB 691 CS : Tax on Sales, Use, and Other Transactions

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley		X			
Gustavo Barreiro	X				
Aaron Bean			X		
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson		X			
Marco Rubio	X				
John Seiler		X			
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 19		Total Nays: 3			

Committee meeting was reported out: Tuesday, April 04, 2006 6:51:51PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 691 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

(A)

Council/Committee hearing bill: Fiscal Council
Representative(s) Negron offered the following:

Amendment (with title amendments)

Between line(s) 75 and 76 and insert:

(5) The sum of \$38,000,000 is appropriated from the
General Revenue Fund to the Department of Revenue to be
deposited into the account in the Discretionary Sales Surtax
Clearing Trust Fund created by Section 212.054(4)c, Florida
Statutes, for distribution to local governments in accordance
with the distribution formula set forth in that section.

===== T I T L E A M E N D M E N T =====

Remove line 11 and insert:

providing criteria; providing appropriations; providing

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COUNCIL MEETING REPORT

Fiscal Council

4/4/2006 3:15:00PM

Location: 212 Knott Building

HB 1489 : State's Aerospace Industry

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson	X				
Marco Rubio	X				
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 23		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 04, 2006 6:51:51PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1489 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

A

Council/Committee hearing bill: Fiscal Council
Representative Waters offered the following:

Amendment (with title amendment)

between lines 2580 and 2581 insert:

Section 69. (1) The following appropriations are made to
the Office of Tourism, Trade, and Economic Development:

(a) From nonrecurring General Revenue for fiscal year 2006-
2007:

1. The sum of \$35 million is appropriated to be used for
infrastructure needs related to the development of the National
Aeronautics and Space Administration's Crew Exploration Vehicle.

2. The sum of \$8 million is appropriated for implementation
of recommendations made by the Governor's Commission on the
Future of Space and Aeronautics in Florida, including, but not
limited to, the development of a commercial spaceport and space
related operational systems.

(b) From recurring General Revenue for fiscal year 2006-
2007 and annually thereafter:

1. The sum of \$3 million is appropriated for operational
needs of Space Florida.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 2. The sum of \$4 million is appropriated for implementation
23 of innovative education programs and financing assistance for
24 aerospace business development projects.

25
26 ===== T I T L E A M E N D M E N T =====

27 Remove line 78 and insert:
28 providing for appropriations; providing an effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. (for drafter's use only)

Bill No. 1489 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

A

Council/Committee hearing bill: Fiscal Council

Representative Waters offered the following:

Amendment to Amendment (#1) by Representative Waters

Remove lines 16 and 17 and insert:

limited to, commercial launch assistance and spaceport
development.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **1489 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____



1 Council/Committee hearing bill: Fiscal Council
2 Representative Waters offered the following:

4 **Amendment (with title amendment)**

5 Remove lines 2320 through 2475

7 ===== T I T L E A M E N D M E N T =====

8 Remove line(s) 45 through 51 and insert:
9 and equipment; creating s. 1004.86, F.S.; requiring the

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COUNCIL MEETING REPORT

Fiscal Council

4/4/2006 3:15:00PM

Location: 212 Knott Building

Summary:

Fiscal Council

Tuesday April 04, 2006 03:15 pm

HB 25	Favorable	Yeas: 23	Nays: 0
HB 323 CS	Favorable	Yeas: 17	Nays: 4
HB 561 CS	Favorable With Committee Substitute	Yeas: 23	Nays: 0
HB 581	Favorable	Yeas: 17	Nays: 5
HB 691 CS	Favorable With Committee Substitute	Yeas: 19	Nays: 3
HB 1489	Favorable With Committee Substitute	Yeas: 23	Nays: 0

Committee meeting was reported out: Tuesday, April 04, 2006 6:51:51PM